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**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

STATE OF ARIZONA,
Plaintiff,

v.

JAMES EUGENE BURNES (001),
Defendant.

Case No:

69 SGJ 105

INDICTMENT

CHARGING VIOLATIONS OF:

**COUNT 1: FRAUDULENT SCHEMES
AND ARTIFICES, a Class 2 Felony, in
violation of A.R.S. § 13-2310;**

**COUNTS 2 thru 6: THEFT, Class 2
Felonies, in violation of A.R.S. § 13-1802;**

**COUNTS 7 and 8: FORGERY, Class 4
Felonies, in violation of A.R.S. § 13-2002.**

The Arizona State Grand Jury accuses **JAMES EUGENE BURNES (001)**, charging on this 19th day of October, 2011, that in or from MARICOPA County, Arizona:

COUNT 1: FRAUDULENT SCHEMES AND ARTIFICES

Beginning on or about September 1, 2007, and ending on or about August 24, 2011,
Defendant **JAMES EUGENE BURNES**, pursuant to a scheme or artifice to defraud,

knowingly obtained a benefit from Arizona National Guard Emergency Relief Fund and the Arizona National Guard Family Emergency Fund administered by the Arizona Department of Emergency and Military Affairs by means of false or fraudulent pretenses, representations, promises or material omissions in violation of A.R.S. §§13-2310, 13-2301, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

This conduct occurred when Defendant **JAMES EUGENE BURNES**, acting in his capacity as Resource Manager with the Arizona Department of Emergency and Military Affairs (DEMA) diverted over \$100,000.00 in cash from accounts in the name of the Arizona National Guard Family Emergency Fund and the Arizona National Guard Emergency Relief Fund for his personal use.

COUNT 2: THEFT

Between January 1, 2007 and December 31, 2007, Defendant, **JAMES EUGENE BURNES**, without lawful authority, knowingly controlled the property of the Arizona National Guard Family Emergency Fund (ANGFEF) and the Arizona National Guard Emergency Relief Fund (ANGERF), in excess of twenty-five thousand dollars (\$25,000), with the intent to deprive the ANGFEF and ANGERF of such property, in violation of A.R.S. §§ 13-1802, 13-1801, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

COUNT 3: THEFT

Between January 1, 2008 and December 31, 2009, Defendant, **JAMES EUGENE BURNES**, without lawful authority, knowingly controlled the property of the Arizona National Guard Family Emergency Fund (ANGFEF) and the Arizona National Guard Emergency Relief Fund (ANGERF), in excess of twenty-five thousand dollars (\$25,000), with the intent to deprive the ANGFEF and ANGERF of such property, in violation of A.R.S. §§ 13-1802, 13-1801, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

COUNT 4: THEFT

Between January 1, 2009 and December 31, 2009, Defendant, **JAMES EUGENE BURNES**, without lawful authority, knowingly controlled the property of the Arizona National Guard Family Emergency Fund (ANGFEF) and the Arizona National Guard Emergency Relief Fund (ANGERF), in excess of twenty-five thousand dollars (\$25,000), with the intent to deprive the ANGFEF and ANGERF of such property, in violation of A.R.S. §§ 13-1802, 13-1801, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

COUNT 5: THEFT

Between January 1, 2010 and December 31, 2010, Defendant, **JAMES EUGENE BURNES**, without lawful authority, knowingly controlled the property of the Arizona National Guard Family Emergency Fund (ANGFEF) and the Arizona National Guard Emergency Relief Fund (ANGERF), in excess of twenty-five thousand dollars (\$25,000), with the intent to deprive the ANGFEF and ANGERF of such property, in violation of A.R.S. §§ 13-1802, 13-1801, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

COUNT 6: THEFT

Between January 1, 2011 and July 31, 2011, Defendant, **JAMES EUGENE BURNES**, without lawful authority, knowingly controlled the property of the Arizona National Guard Family Emergency Fund (ANGFEF) and the Arizona National Guard Emergency Relief Fund (ANGERF), in excess of twenty-five thousand dollars (\$25,000), with the intent to deprive the ANGFEF and ANGERF of such property, in violation of A.R.S. §§ 13-1802, 13-1801, 13-603, 13-701, 13-702, 13-703, 13-801 and 13-804.

COUNT 7: FORGERY

On or about March 21, 2007, Defendant **JAMES EUGENE BURNES**, with intent to defraud, offered or presented to the Board of Directors of the Arizona National Guard Emergency Relief Fund an Independent Auditors' Report, a forged instrument or one that

contained false information, in violation of A.R.S. §§ 13-2002(A)(3), 13-2001, 13-604, 13-701, 13-702, 13-703, 13-801 and 13-804.

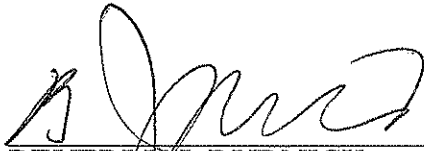
COUNT 8: FORGERY

On or about March 11, 2010, Defendant **JAMES EUGENE BURNES**, with intent to defraud, offered or presented to the Board of Directors of the Arizona National Guard Emergency Relief Fund an Independent Auditors' Report, a forged instrument or one that contained false information, in violation of A.R.S. §§ 13-2002(A)(3), 13-2001, 13-604, 13-701, 13-702, 13-703, 13-801 and 13-804.

Pursuant to A.R.S. § 21-425, the State Grand Jurors find that the offenses described above were committed in MARICOPA County, Arizona.

A True Bill
(A "True Bill")

THOMAS C. HORNE
ATTORNEY GENERAL
STATE OF ARIZONA


BEVERLY J. RUDNICK
Assistant Attorney General

Dated: 10-19-11


Foreperson of the State Grand Jury

#2350497